

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

February 11, 2009

Jerry Dailey, Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Jeff Holtegel, Deborah Rhees, Scott Lepsky and Terry Senger.

Deborah Rhees, seconded by Scott Lepsky, made a motion to excuse Don Hassler and Diana Bailey. Motion carried 5 – 0. (Diana Bailey arrived during the meeting.)

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held February 4, 2009, were approved as submitted.

NEW BUSINESS:

Conditional Use Application – El Havanero – 6435 Dixie Highway

Tim Bachman stated this is a Conditional Use application for an entertainment facility in conjunction with the El Havanero restaurant at 6435 Dixie Highway which is located in a C-3A zoning district. The facility use to be Sizzler Steakhouse, Tea Garden and Angelo's. It is re-opening as El Havanero and the applicant is seeking approval for entertainment use in conjunction with the restaurant. The liquor license is pending a hearing request but is going through the process. At Monday nights City Council meeting, Council asked that a hearing be held.

The applicant's representative (name inaudible so will be referred to as applicant) stated they have had patrons coming in for lunch that are asking if the restaurant can cater private parties, have dancing, functions on holidays, etc. The owner is looking for family type or working people who are looking for a place to come to and relax. They would hire security which would increase employment. They asked the Commission to give them a probationary period in which they could try these functions.

Tim Bachman told the Commission that he visited the restaurant today and it is very nice inside. The City is concerned however with the history of other restaurants on Route 4 that had similar night time entertainment. Mr. Bachman asked the applicant about the security and was told they currently have an alarm system. If approved, they will install cameras and hire 3 or 4 security guards to man the doors and patrol inside and outside. The people they intent to hire will be ex-police officers. Patrons will be patted down to ensure safety.

Tim Bachman stated that the facility has a residential neighborhood behind it which is only buffered by a parking lot. Mr. Bachman asked about the noise level and the applicant replied that you will not be able to hear music outside the establishment. The DJ, Mr. Daniel Diaz, who was also in attendance, stated the music he plays is tropical in nature. The clientele they attract will be similar to those who would frequent Jeff Ruby's Tropicana Club when it was in operation - Porte Ricans, Cubans, Dominicans and the music is salsa, bachata, maranga and reggaetony. He does not play
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other styles. Different styles of music attract different clientele.

Deborah Rhees asked what the hours of operation would be for the entertainment and was told from 6:00 p.m. until the restaurant closes at 11:00 p.m.; mostly on Friday and Saturday nights. The current hours are 11:30 a.m. until 9:00 p.m. Ms. Rhees asked if there would be any outdoor activities and the applicant stated they are looking into that.

Jeff Holtegel asked what type of liquor license they had and John Clemmons stated they have several which end up being the same as a D-5. They can serve everything and stay open until 2:30 a.m. The applicant said they want this facility to mostly be restaurant use which is why closing time will stay at 11:00 p.m. Should they see someone getting intoxicated or out of control, that person will be asked to leave.

Jerry Dailey asked what would happen if they find a weapon on someone during pat down prior to entering. The applicant stated that person would be turned away.

Discussion was held regarding hours of operation. The Commission felt that if they wanted to expand the hours beyond 11:00 p.m., they would have to re-apply for an extension of hours.

Chief Dickey stated he recognizes the investment the applicant has made and what they are attempting to do. He would like to make sure there are adequate controls placed. Concerning the liquor license, Chief Dickey explained the State notifies the City of a new license or a license being renewed. The City has up to 30 days to in which to reply. If there are questions, the City can file an objection. An objection was filed on the liquor license for El Havanero due to the fact that the applicant has had several arrest charges in Florida. In Florida, charges are almost an automatic dismissal if the defendant agrees to some type of diversionary program. The applicant has finished his diversionary program but the Chief needed time to look into this so an objection was filed on the liquor license. The second concern that the Police Department has is the dance aspect at the restaurant. The Police were told that the owner plans to operate as a Cuban restaurant and the restaurant would be open until 7:00 p.m. After 7:00 p.m., they were proposing dance lessons until 9:30 p.m.. The Police Department has had several problems with restaurants operating as dance clubs. The Police Department's position is that they be permitted an opportunity to make it successful but if there are problems, the City has the ability to pull the approval.

Deborah Rhees asked if the applicant had finished his diversion program and was told that he had.

Tim Bachman suggested allowing the applicant to operate for a six month trial period contingent upon them getting their liquor license. This way, there would be no mix up at the State that the City has gone ahead and approved the liquor license. John Clemmons clarified that the City has asked for a hearing which will proceed and it will be the State's decision whether or not to issue the liquor license. Mr. Clemmons also suggested that if the Commission approves the application, a condition be placed that it is the applicant's responsibility to ensure that the noise and reverberations be contained to their property and does not go off to the adjoining properties. The closing time of 11:00 p.m. should also be made part of the motion.

The Commission discussed the date that the applicant should come back to renew the application. Tim Bachman suggested September 9th. That would give them 7 months (the liquor license will take longer since a hearing has been requested).

Jeff Holtegel, seconded by Scott Lepsky, made a motion to approve the Conditional Use application for El Havanero, 6435 Dixie Highway, with the following conditions:

1. Hours will be 11:30 a.m. until 11:00 p.m.
2. The approval is contingent upon them getting the liquor license.
3. The noise and reverberations is the applicant's responsibility to ensure that it cannot be felt or heard off of their property.
4. This approval is valid until September 9, 2009.

Motion carried 6 – 0.

GENERAL DISCUSSION:

Jeff Holtegel stated that several years ago, the City adopted a Vision 2010 Plan. Mr. Holtegel would like to have an update to see where we are and if City Council would be interested in a 2020 Plan. Terry Senger will ask Council what they would like to do.

Being no further business, Jeff Holtegel, seconded by Scott Lepsky, made a motion to adjourn. Motion carried 6 – 0.

Jerry L. Dailey, Chairman

Peggy Flaig, Clerk